

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT T. DAVIS,)	CASE NO. 1:19CV1527
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
DAVID GRAY, Warden,)	MEMORANDUM OF
)	OPINION AND ORDER
Respondent.)	

CHRISTOPHER A. BOYKO, J.:

This matter is before the Court on Magistrate Judge Parker’s Report and Recommendation (Doc. 19) to dismiss Petitioner Robert Davis’s Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) due to statute of limitations and procedural default.

It is unclear if Petitioner ever received the Report and Recommendation. For that reason, the Court issued a Show Cause Order on June 17, 2020, ordering Petitioner to respond to the Report and Recommendation. (Doc. 21). Out of an abundance of caution, the Court directed the Clerk to send its Show Cause Order and the Report and Recommendation to two separate addresses. The Court set a deadline for a response of June 30, 2020.

Petitioner has neither responded to the Court’s Show Cause Order nor filed an objection to the Report and Recommendation. As the Court warned in its Show Cause Order, any failure to respond would be considered “an agreement with the Magistrate Judge’s Report and Recommendation.” Moreover, Federal Rule of Civil Procedure 72(b) provides that objections to

a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). Since Petitioner has neither responded nor objected to the Report and Recommendation, the Court assumes that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge; **GRANTS** Respondent's Motion to Dismiss (Doc. 9); and **DISMISSES** Petitioner's Petition as untimely and procedurally defaulted.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: July 15, 2020